

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT P. SPANGLER.

Petitioner,

Case No. 3:20-cv-00445-MMD-WGC

## ORDER

v.

WILLIAM A. GITTERE, *et al.*,

## Respondents.

14 On July 30, 2020, Robert P. Spangler, an incarcerated person at Nevada's Ely  
15 State Prison, filed this action. On July 31, 2020, the Court dismissed the action. (ECF No.  
16 4.) It appeared to the Court that Spangler seeks to challenge one or more state-court  
17 criminal convictions, and that, therefore, he may intend to file a petition for writ of habeas  
18 corpus under 28 U.S.C. § 2254. However, Spangler's filings did not include such petition  
19 on the form required by the Court (see LSR 3-1), and, perhaps largely for that reason,  
20 Spangler did not provide much of the information necessary for the Court to determine  
21 whether his filings merit service upon the Respondents. Furthermore, Spangler did not  
22 pay the filing fee (\$5 for a habeas writ) or apply to proceed *in forma pauperis* ("IFP").  
23 Therefore, the Court dismissed this action and directed the Clerk of the Court to send  
24 Spangler the forms necessary to file a habeas writ and an application to proceed IFP. The  
25 Court instructed Spangler as follows:

If Spangler wishes to file a petition for writ of habeas corpus, he should complete the provided form petition and submit it to the Court to initiate a new case (he should not include the case number of this case in the caption on that new filing). He should include with his petition either payment of the

1           \$5 filing fee or a fully completed application to proceed *in forma pauperis*,  
2           including the required financial certificate, using the forms provided.

2           (ECF No. 4.)

3           On August 5, 2020, Spangler filed an IFP application—not on the correct form—  
4           and a motion for an extension of time to file a supporting financial certificate. (ECF Nos.  
5           6, 7.) The Court will deny those motions. This action is closed. If Spangler wishes to  
6           initiate a habeas writ, he must follow the instructions provided in the July 31 order; that  
7           is, he must complete the provided form petition and submit it to the Court to initiate a new  
8           case (he should not include the case number of this case in the caption on that new filing),  
9           and he must include with his petition either payment of the \$5 filing fee or a fully completed  
10          application to proceed *in forma pauperis*, including the required financial certificate, using  
11          the forms provided.

12          It is therefore ordered that Petitioner's application to proceed *in forma pauperis*  
13          and motion for an extension of time to file a supporting financial certificate (ECF Nos. 6,  
14          7) are denied.

15          It is further ordered that the Clerk of the Court is directed to send Petitioner, along  
16          with a copy of this order, a copy of his "Appeal" (ECF No. 1-2), two copies of the form for  
17          a petition for a writ of habeas corpus under 28 U.S.C. § 2254, and two copies of the form  
18          for a prisoner's application to proceed *in forma pauperis*.

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20          DATED THIS 5<sup>th</sup> day of August 2020.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

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